

**REMARKS**

Applicants wish to extend their gratitude for the courtesies extended by the Examiner, Ms. N. Torres Velazquez, during the telephonic interview conducted October 29, 2003. During the interview, claim 1 and U.S. Patent No. 5,268,213 to *Murakami* et al. were discussed. An agreement was reached with respect to amendments that would more clearly define the claimed invention. Accordingly, the following amendments and remarks incorporate and expand on the substance of the interview.

Claims 1-12 are pending. Claims 1-3, 7, 11, and 12 have been amended. No new matter has been added by way of this amendment. Reconsideration of the application is respectfully requested.

Claims 1-12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,891,258 to *Fahrenkrug* in view of U.S. Patent No. 5,268,213 to *Murakami* et al. For the following reasons, this rejection is respectfully traversed.

Claim 1 has been amended to recite that the “fibrous layer [is] ... a plurality of layers [which extend] in parallel and [are] completely separate from each other at predetermined spacing intervals, [where] each strip of [the] fibrous layer [is] fixed to [the] porous film at spaced fixing portions, so that [the] porous film is exposed between adjacent [rows] of [the] fibrous layer.”

U.S. Patent No. 4,891,258 to *Fahrenkrug* relates to a stretchable absorbent composite for receiving, absorbing and retaining liquids and waste materials comprising a liquid-pervious layer, a liquid-impervious layer, an absorbent layer, and a liquid-pervious stretchable layer between the liquid-pervious layer and liquid-impervious layer. According to this patent, the stretchable layer is

stretch-bonded to the other layers and forms a plurality of rugosities in the other layers upon relaxing the stretchable layer (see col. 1, lines 40-49).

U.S. Patent No. 5,268,213 to *Murakami* et al. is directed to controlling in a predetermined direction the flow of body fluid that generally occurs on a liquid-permeable topsheet for body fluid absorbent article (see Abs.).

With respect to the foregoing patents, Applicants respectfully assert that the combination of these references fails to teach or suggest the limitation “said fibrous layer being of a plurality of layers extending in parallel and completely separate from each other at predetermined spacing intervals, each strip of said fibrous layer being fixed to said porous film at spaced fixing portions, so that said porous film is exposed between adjacent layers of said fibrous layer,” as set forth in amended claim 1.

Set forth on page 2 of the Office Action is the statement:

It is noted that the first direction ribs 2 and the second direction ribs 3 are different layers and that the language used in the present application does not preclude the inclusion of the second direction ribs 3 of *Murakami* et al. Therefore, the Examiner position is that the first direction rib 2 of *Murakami* et al. et al. equate to the claimed strips extending in parallel and completely separate from each other at predetermined spacing intervals.

With respect to the foregoing statement, however, Applicants respectfully assert that the combination of the *Fahrenkrug* and *Murakami* et al. patents fails to teach or suggest a “fibrous layer that is a plurality of layers which extend in parallel and are completely separate from each other at predetermined spacing intervals. In the present invention, moreover, the layers are completely separate from each other at predetermined spacing intervals, as shown in the drawings, and as set forth in amended claim 1.


On the other hand, each rib (i.e., strip) of *Murakami et al.* that extends in the first direction is simply a single layer, and is not a plurality of layers. Accordingly, Applicants respectfully assert that the present invention as claimed is not obvious over the combination of the *Fahrenkrug* and *Murakami et al.* patents. Therefore, reconsideration and withdrawal of the rejection are respectfully requested.

In view of the patentability of amended independent claim 1 for the reasons set forth above, dependent claims 2-12 are also patentable over the cited references.

Based on the foregoing amendments and remarks, this application should be in condition for allowance. Early passage of this case to issue is respectfully requested. However, if there are any questions regarding this Response, or the application in general, a telephone call to the undersigned would be appreciated since this would expedite the prosecution of the application for all concerned.

Dated: November 11, 2003

Respectfully submitted,

By 

Alphonso A. Collins

Registration No.: 43,559

DARBY & DARBY P.C.

P.O. Box 5257

New York, New York 10150-5257

(212) 527-7700

(212) 753-6237 (Fax)

Attorneys/Agents For Applicant